

**STAFF REPORT**

**10**

**CASE NUMBER:** S.U.P 10-221                      **L.U.C.B. MEETING:** August 12, 2010

**LOCATION:**                      North side of Knight Arnold Road; +/-300 feet west of New Getwell Road

**COUNCIL DISTRICT(S):**      District 4-Super District 8-Positions 1, 2 & 3

**OWNERS:**                      New Wrights Chapel M.B. Church

**APPLICANTS:**                Signal Source, LLC

**REQUEST:**                      Special use permit to allow a cellular communications tower one-hundred fifty(150) feet in height with the capacity to accommodate a minimum of four(4) antennae

**AREA:**                              10,020 sq. ft. of 7.34 Acres

**EXISTING LAND USE & ZONING:**      One-story brick frame church building with attached two-story classrooms, including family life center building in Single Family Residential(R-S6) District.

**CONCLUSIONS:**

1.      The tower compound will be located in the rear yard 463.40 feet from the right-of-way line of Knight Arnold Road enclosed with a chain-link fence six(6) feet in height surrounded by a landscape screen of Leyland Cypress trees planted 10 feet on center.
2.      The applicant and owner seek to accommodate the tower by placing the tower farther away from single family homes northeast of the subject property and the farthest distance from Knight Arnold Road.
3.      This request for special permit to allow a cellular communications tower with capacity to accommodate at least four antennae meets the minimum standards in the zoning ordinance, except the required distance from residential property.
4.      A cell tower one-hundred fifty(150) feet in height is supported as an accessory structure being placed the farthest distance from single family homes in Single Family Residential(R-S6) District zoning and the public roads.

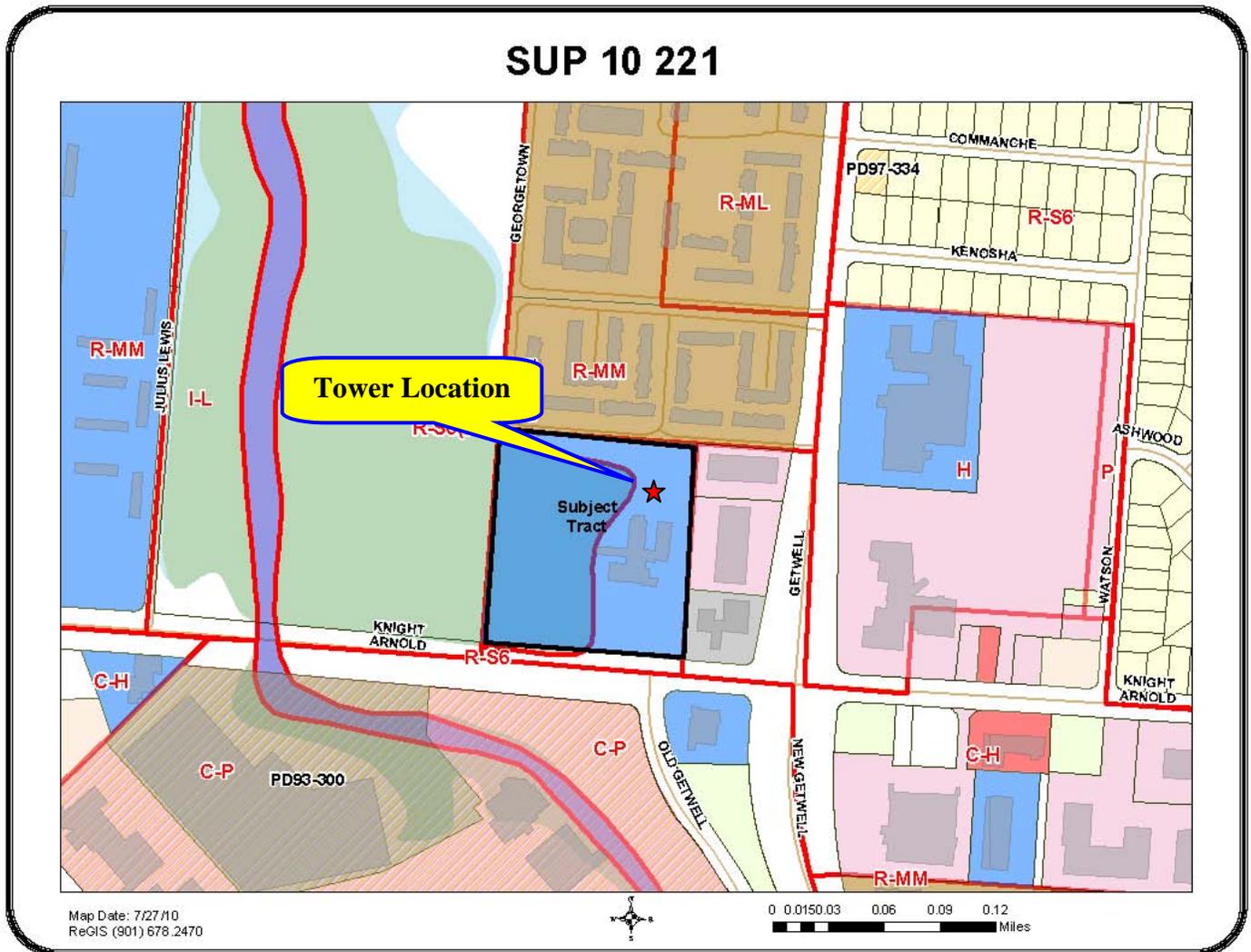
**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION:**

*Approval with Conditions*

**Staff:**                      *Brian Bacchus*

**E-mail:**                      [brian.bacchus@memphistn.gov](mailto:brian.bacchus@memphistn.gov)

Zoning & Land Use



**SURROUNDING USES AND ZONING:**

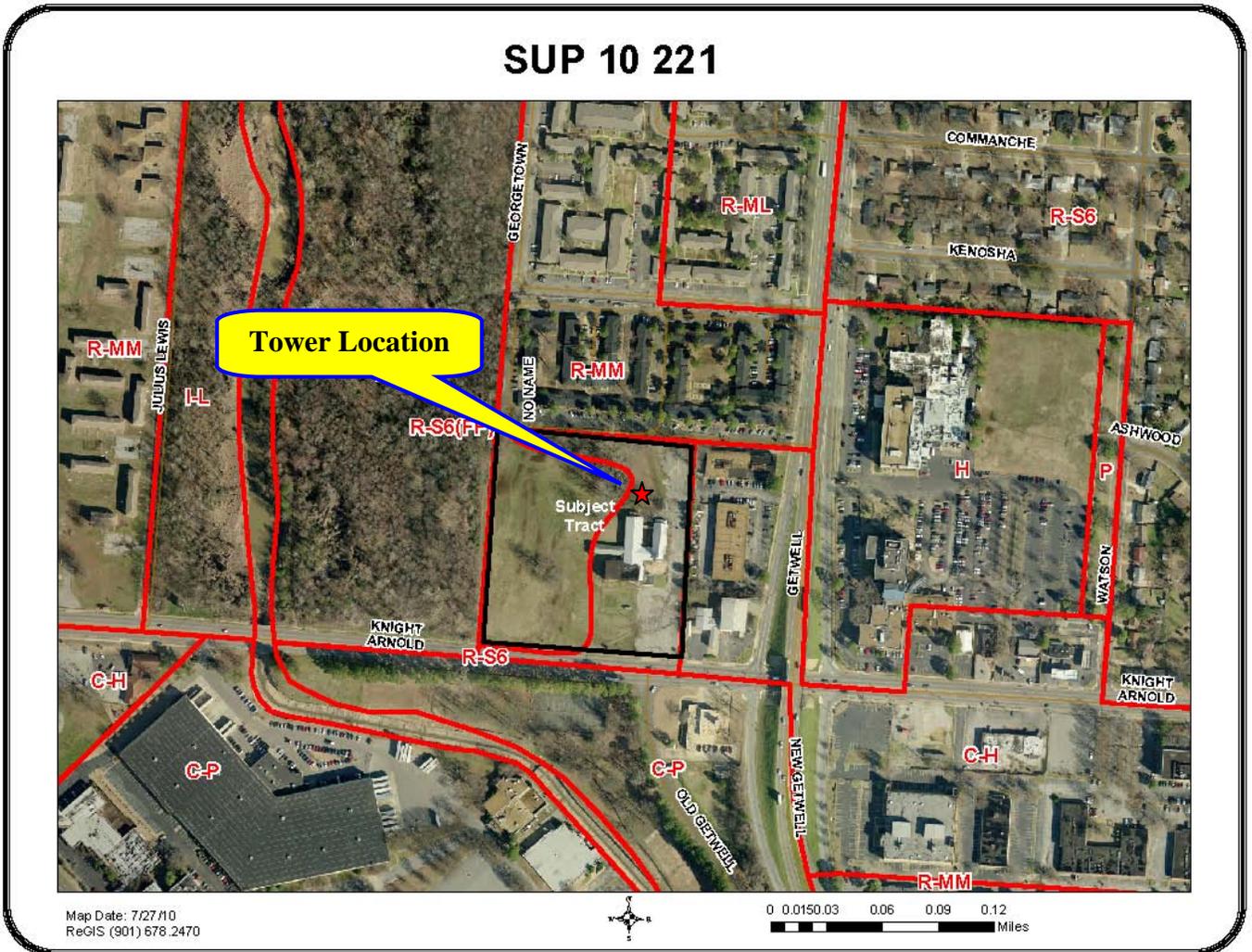
**North:** Two-story apartments in Multiple Dwelling Residential(R-ML & R-MM) Districts.

**East:** Small office uses and office/warehouse in Highway Commercial(C-H) District.

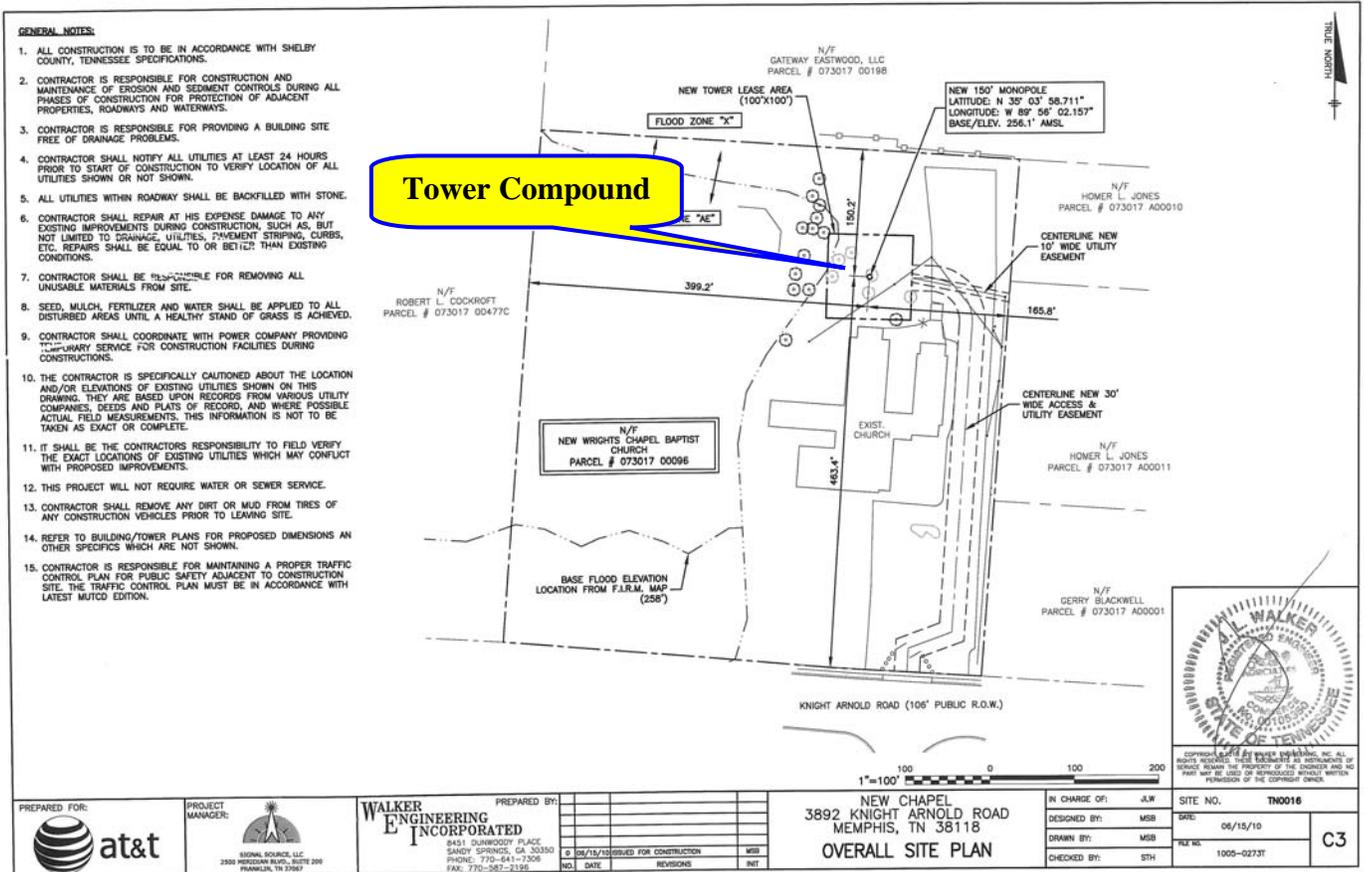
**South:** Office/warehouse in 'Holiday City' Planned Development(P.D. 93-300) and Fire Station in Planned Commercial(C-P) District.

**West:** Vacant, heavily wooded land in Light Industrial(I-L) District and vacant dilapidated apartment buildings in Multiple Dwelling Residential(R-MM) District.

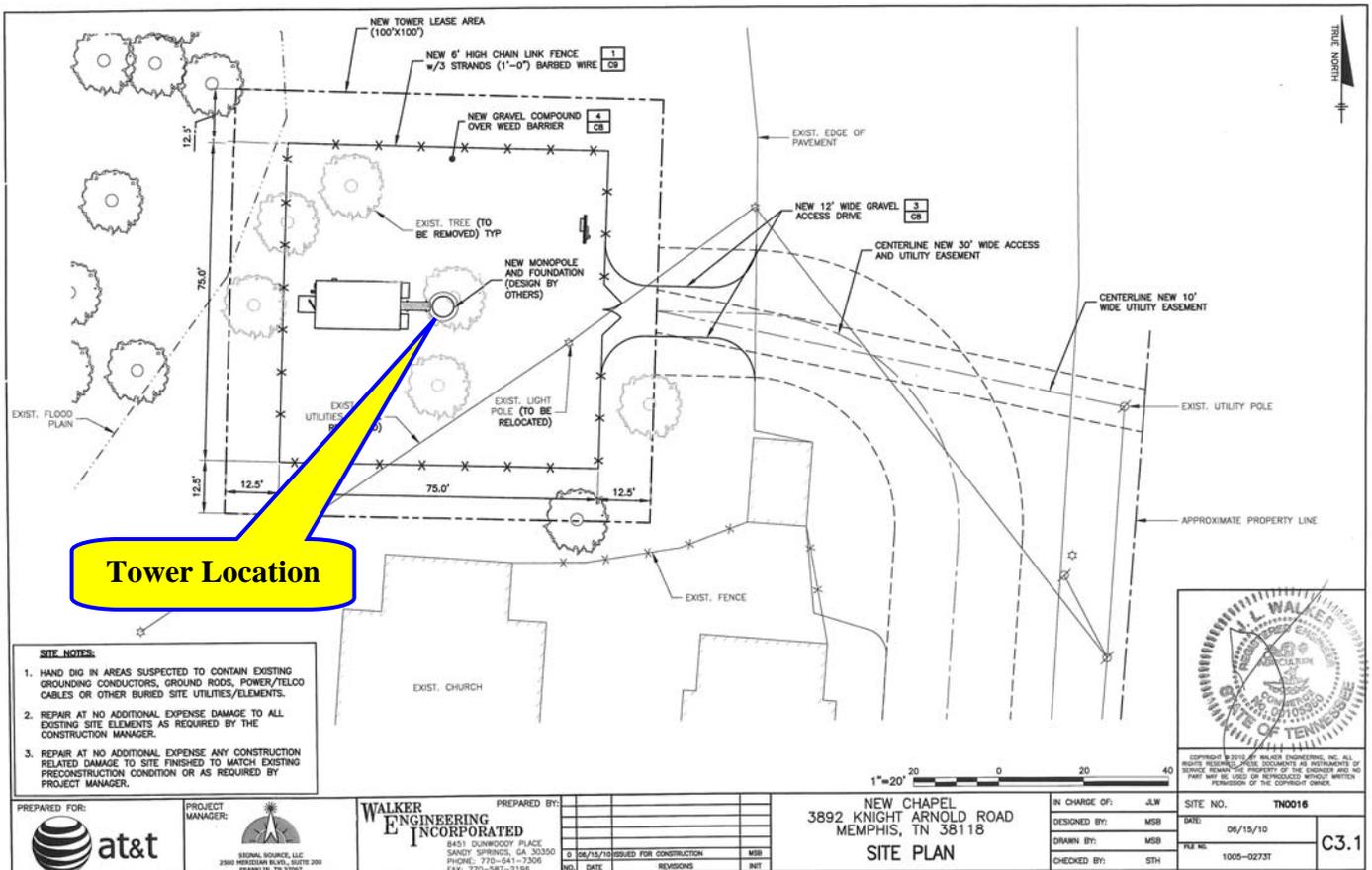
Zoning Aerial View



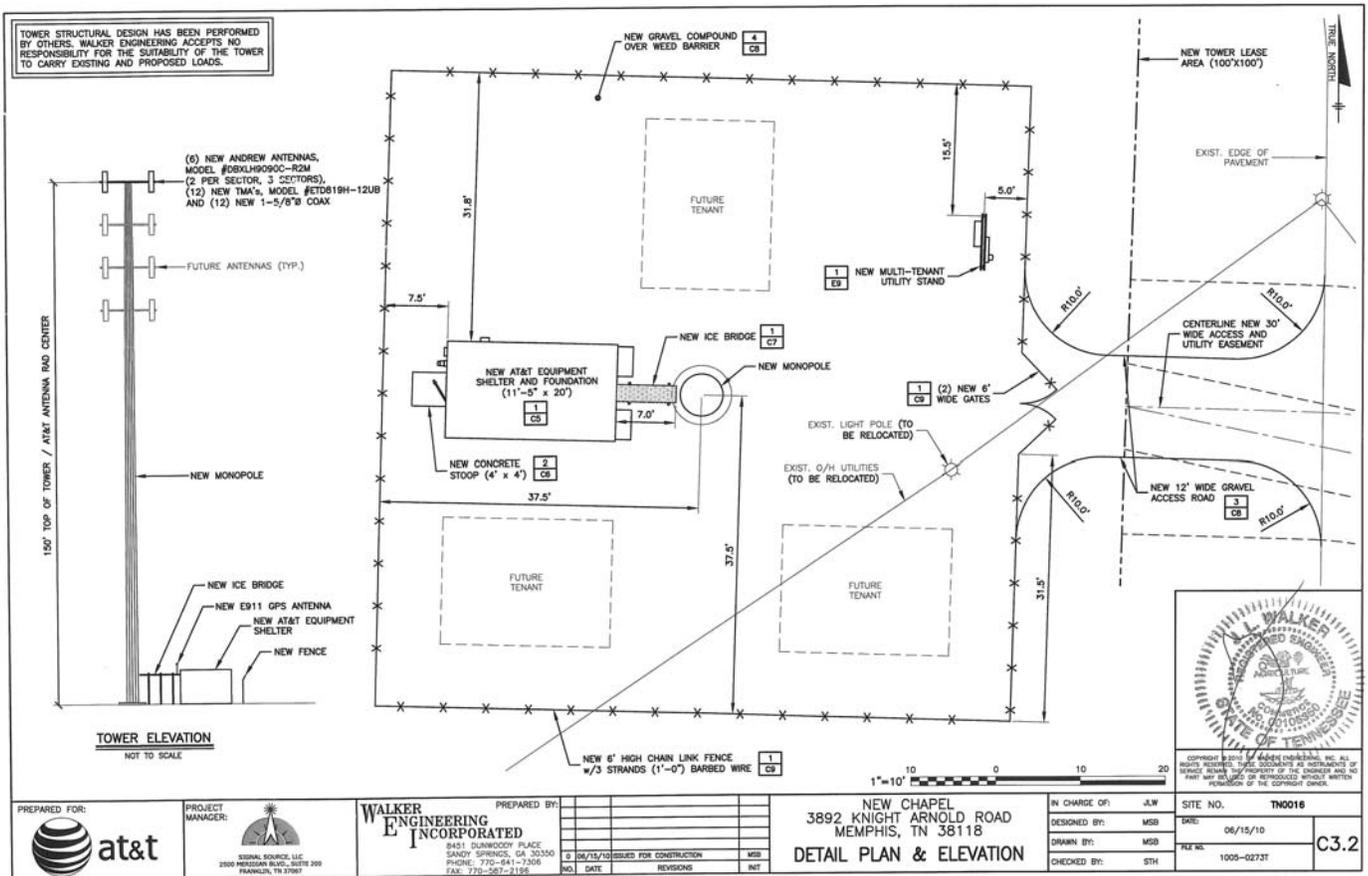
Overall Site Plan



Site Plan



Detail Plan & Elevation

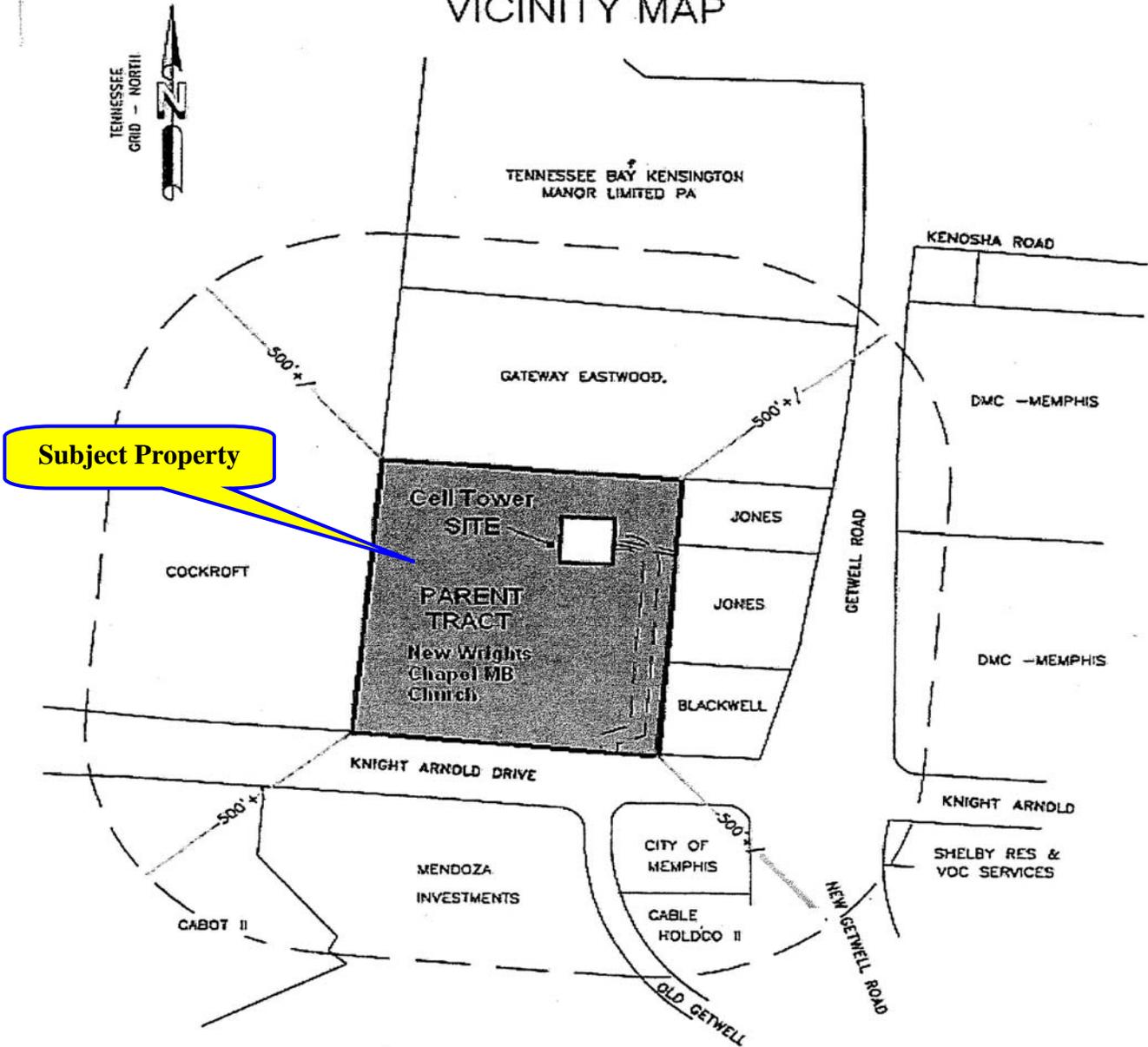




Vicinity & Ownership

**O.P.D. Case Number S.U.P. 10-221**

VICINITY MAP



***STAFF ANALYSIS:***

***Site Description***

The subject property is 10,020 square feet of leased area of a 7.34 acre exempt parcel located at the north side of Knight Arnold Road approximately 300 feet west of New Getwell Road. The site is located in the 'Holman' Subdivision in southeast Memphis in the Oakhaven-Parkway Village Planning District. The site is adjacent to multi-family residential at the northwest intersection of two major roads. The principal use of the property is New Wrights Chapel M.B. Church with vast amount of open spaces in the front and side yards. The rear yard of the church property has mature oak trees, including mature underbrush along the rear fence line.

The site is currently occupied by a one-story brick and frame building with attached two-story classrooms, including a family life center building to the rear of the main sanctuary. The church building is setback from Knight Arnold Road approximately 200 feet or more with one curb-cut with a private drive leading to the rear of the buildings. There is curb, gutter and sidewalk along Knight Arnold Road, including overhead power lines running parallel to Knight Arnold Road.

***Area Overview***

The land use and zoning in the surrounding area is primarily medical offices and institutional uses in Highway Commercial(C-H) and Hospital(H) District zoning. There are also office/warehouse uses in Holiday City Planned Development to the south, including corporate offices and warehouse space that consists of approximately 62 acres with a four-story corporate office building, recreation areas with walking paths, tennis and volleyball courts.

The 'Indian Meadows' Subdivision northeast of the subject property was developed in 1950's with average lot sizes of 10,000 square feet and homes that average 1600 square feet. The 'Indian Meadows' neighborhood extends east of New Getwell Road to Watson Street. The subject property is separated from the single family neighborhoods to the east by a viaduct at the major road interchange of Knight Arnold Road and New Getwell Road. The land uses immediately north are two large apartment communities that extend north to commercial establishments along New Getwell Road and American Way Boulevard.

**Principal Use vs. Accessory Structure**

The applicant's request is for a special use permit to allow a cellular communications tower one-hundred fifty(150) feet in height with the capacity to accommodate a minimum of four(4) antennae as an accessory structure to a church building. The tower site will be located in the rear yard 463.40 feet from the right-of-way line of Knight Arnold Road enclosed with a chain-link fence six(6) feet in height with swing gates with access via an existing private drive to Knight Arnold Road. The tower compound will be surrounded by a landscape screen of Leyland Cypress trees planted 10 feet on center.

The applicant and owner seek to accommodate the tower by placing the tower farther away from single family homes northeast of the subject property and the farthest distance from Knight Arnold Road. This accessory structure is placed in the rear yard between the principal building and the rear lot line. The tower site is proposed in the rear yard to minimize the visibility from the public roads. Also, mature trees surround the area of the tower compound. The Single Family Residential(R-S6) District zoning of this parcel requires a special use permit for a cell tower to be located within 500 feet of residential properties.

This request for special permit to allow a cellular communications tower with capacity to accommodate at least four antennae meets the minimum standards in the zoning ordinance, except the required distance from residential properties. The applicant has provided a detailed landscape plan illustrating plant materials to be placed outside the fence and to supplement the mature oak trees on the property. A cell tower one-hundred fifty(150) feet in height to be an accessory structure to a principal building will not interfere with access and circulation. The cell tower is supported as an accessory structure being placed the farthest distance from single family homes in Single Family Residential(R-S6) District zoning and the public roads.

***RECOMMENDATION: Approval with Conditions***

***SITE PLAN CONDITIONS:***

A *Special Use Permit* is hereby authorized to '*Signal Source, LLC*' to allow a '*CMCS communications tower one-hundred fifty(150) feet in height with capacity to accommodate a minimum of four(4) antennae*' on property located at '*3892 Knight Arnold Road*' at the '*north side of Knight Arnold Road; +/-300 feet west of New Getwell Road*' in accordance with approved '*site plan*' and the following supplemental conditions:

- I. Uses Permitted: A CMCS communications tower one-hundred fifty(150) feet in height with capacity to accommodate a minimum of four (4) antennae.
- II. Bulk Regulations:
  - A. The tower and compound shall be located in the rear yard as illustrated on the overall site plan.
  - B. The setback from Knight Arnold Road and tower centerline shall be a minimum of 450 feet.
- III. Access & Circulation:
  - A. The existing private drive shall remain and shall be shared as an ingress/egress easement to the tower compound subject to review and approval by City Engineer.
  - B. The private drive shall maintain a minimum width of twenty-two(22) feet.
- IV. Landscaping and Screening:
  - A. All landscaping and screening shall be in accordance with the 'Landscape Plan' subject to final review and approval by the Office of Planning & Development.
  - B. All landscaping and screening shall be installed prior to launch and operation of the tower equipment. Required landscaping shall not be placed on any sewer or drainage easements or under any utility easement.
- V. Signs:
  - A. No signs shall be allowed, except for the necessary decal sign for displaying the name, address and phone numbers of the owner and operators of the facilities. The decals shall be placed on and outside the fence.
  - B. No temporary or portable signs shall be permitted.
- VI. A CMCS communications tower one-hundred fifty(150) feet in height with capacity to accommodate a minimum of four(4) antennae shall be allowed for the above mentioned user and maintained in accordance with site plan conditions subject to administrative site plan review and approval and no zoning violations.

**GENERAL INFORMATION:**

**Street Frontage:** Knight Arnold Road-----+/-575.20 linear feet.  
**Planning District:** Oakhaven-Parkway Village  
**Atlas Page:** 2340  
**Parcel ID:** 073017 00006  
**Zoning History:** The Single Family Residential(R-S6) District zoning of the site date to the adoption of the 1980 zoning map amendment.

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**DEPARTMENTAL COMMENTS:**

*The following comments were provided by agencies to which this application was referred:*

**City Engineer:** No comment.

**Memphis Fire Services:** No comment.

**Memphis & Shelby County Health Department:**

**Pollution Control:** No comments.  
**Water Quality:** No comments.

**Memphis Board of Education:**

MCS is now considering leasing options for cell tower sites. Please contact Jake Allen via email allenjakee@mcsk12.net or by calling 901-416-4715.

**Construction Code Enforcement:** No comment.

**Memphis Light, Gas and Water:**

*MLGW has reviewed referenced application, and has no objection, subject to the following comments:*

- **Responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **Responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **Responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.

- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval. It is the responsibility of the owner/applicant to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **Responsibility of the owner/applicant** to contact **TN-1-CALL** @ 1.800.351.1111, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc
- **Responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
  - All residential developers must contact MLGW's Residential Engineer at 901-528-4855 for application of utility services.
  - All commercial developers must contact MLGW's Builder Services at 901-367-3343 to initiate the utility installation process.

**AT&T:** AT&T has no comments.

**Memphis Area Transit Authority (MATA):** No comments.

**OPD-Regional Services:** No comments.

**OPD-Plans Development:** No comments received.

**Neighborhood Associations/Organizations:**

*Memphis Airport Area Development Corporation:* No comments as of 8/6/10.

*Walter J. Simmons Estates Residents Association:* No comments as of 8/6/10.

**Staff:** *bb*